

## **Exhibit D**

Archived: Friday, May 10, 2024 9:58:56 PM

From: [Daniel J. Fetterman](#)

Mail received time: Wed, 8 May 2024 14:29:46

Sent: Wed, 8 May 2024 14:29:45

To: [Weitzman, Avi](#)

Cc: [Wetmore, Derek E.](#) [PH-MenendezTeam](#) [Ann M. St. Peter-Griffith](#) [Fria R. Kermani](#)

Subject: Re: US v. Menendez - Subpoena

Importance: Normal

Sensitivity: None

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Avi,

Thanks for your email yesterday. Your memory is partially correct. We did not agree to accept the subpoena on behalf of Jose Uribe that Derek Wetmore of your firm sent to us on May 2, 2024, which purports to be an ad testificandum subpoena and demands production of almost the same documents that the two Rule 17(c) subpoenas (the "Rule 17(c) Subpoenas") your firm previously served on Mr. Uribe's counsel and former counsel (the Kasowitz and Krieger Lewin firms, respectively). We accepted service of the Rule 17(c) subpoena on behalf of the Kasowitz firm, and we understand that Nick Lewin accepted service of the Rule 17(c) subpoena on behalf of the Krieger Lewin firm. These are the subpoenas that my partner Ann St. Peter Griffith and I discussed with you on our meet and confer call. On that call, we advised you that we believe the Rule 17(c) Subpoenas violate Rule 17(c), the Nixon standards and create an unnecessary burden on a third-party witness by demanding production of documents which, by definition, are within the Government's possession (*i.e.*, communications between the Government and Mr. Uribe or his counsel/former counsel) and that, to the extent you had a right to receive the documents at all, you could obtain them directly from the Government. We advised you that we intended to move to quash the Rule 17(c) Subpoenas on that basis. You asked that we hold off on filing the motions to quash so that you could discuss the issue with Adam Fee and get back to us regarding our objections, which you have not done. Instead, your firm has now sent us a third subpoena and requested that we accept service of it on behalf of Mr. Uribe (the "Uribe Subpoena"). The Uribe Subpoena contains the same inappropriate document demand for communications between the Government and Mr. Uribe or his counsel/former counsel that in our view violate Rule 17(c), the Nixon standards, and are unduly burdensome. While we will accept service of the Uribe Subpoena to the extent it is a solely a subpoena ad testificandum, we deem the document demand attached in Rider A as a back door, inappropriate Rule 17(c) subpoena, and we are formally requesting that you withdraw it. Should you refuse to do so, we will move to quash the document demand in Rider A of the Uribe Subpoena and seek any additional relief that the Court deems appropriate, including but not limited to our attorneys' fees in connection with making that motion.

Please let us know by the close of business tomorrow (May 9) if you will withdraw your document demand contained in Rider A of the Uribe Subpoena, and whether you will withdraw the Kasowitz Rule 17(c) subpoena and Request 1 of Rider A in the Krieger Lewin Rule 17(c) subpoena. Otherwise, we plan to file our motions to quash on Friday.

We are available should you wish to discuss any of the above.

Best.

Dan

On May 7, 2024, at 9:15 'a0PM, Weitzman, Avi <aviweitzman@paulhastings.com> wrote:



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Dan – apologies I haven't updated Derek on our call. If I recall correctly, you accepted service when we spoke, but you said you intended to move to quash. What's your latest thinking on this and if you intend to move, what's your timing.

thnx

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**PAUL**  
**HASTINGS**

**Avi Weitzman | Partner | Co-Chair – Complex Litigation and Arbitration**

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**From:** Wetmore, Derek E. <[derekwetmore@paulhastings.com](mailto:derekwetmore@paulhastings.com)>  
**Sent:** Tuesday, May 7, 2024 7:48 PM  
**To:** [dfetterman@kasowitz.com](mailto:dfetterman@kasowitz.com)  
**Cc:** PH-MenendezTeam <[PH-MenendezTeam@paulhastings.com](mailto:PH-MenendezTeam@paulhastings.com)>  
**Subject:** RE: US v. Menendez - Subpoena

Mr. Fetterman,

We would appreciate the courtesy of a response. If we do not hear from you by 5pm ET tomorrow, May 8, we will consider your non-response a refusal to accept service on Mr. Uribe's behalf and act accordingly.

Derek

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**From:** Wetmore, Derek E. <[derekwetmore@paulhastings.com](mailto:derekwetmore@paulhastings.com)>  
**Sent:** Wednesday, May 1, 2024 9:45 PM  
**To:** [dfetterman@kasowitz.com](mailto:dfetterman@kasowitz.com)  
**Cc:** PH-MenendezTeam <[PH-MenendezTeam@paulhastings.com](mailto:PH-MenendezTeam@paulhastings.com)>  
**Subject:** US v. Menendez - Subpoena

Mr. Fetterman,

We represent Senator Menendez in his upcoming trial. Please find enclosed a subpoena for Jose D. Uribe, who we understand you may represent in the matter.

Will you accept service of the subpoena on Mr. Uribe's behalf.

Best,  
Derek

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**Derek Wetmore | Associate | Litigation**

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